

STATE OF MICHIGAN
DEPARTMENT OF HUMAN SERVICES

CHILDREN'S PROTECTIVE SERVICES REQUEST FOR MEDICAL INFORMATION

TO:

Case Name				
Case Number				
County	District	Section	Unit	Worker

Concerning Family/Household Members

Date(s) of Birth

There is a compelling need for the medical records held by you or your agency, pertinent to a Children's Protective Services (CPS) investigation on the family/household member(s) identified above, to determine if child abuse/neglect has occurred or to protect a child.

I am notifying you, or your agency, pursuant to the Michigan Child Protection Law, 1975 PA 238, as amended, MCL 722.621-722.638, and the Michigan Public Health Code, 1978 PA 368, as amended, MCL 333.2640 and 333.16281, which require this agency to obtain the information requested and which authorize your release of the information for this purpose. The federal Health Insurance Portability and Accountability Act (HIPAA) also allows for the release of medical information for a CPS investigation (45 CFR 164.512).

The information requested includes, but is not limited to, the examination/assessment/treatment of the family or household member(s) on or between the following date(s):

Specifically: _____

As part of a Children's Protective Services case, the information you send will become part of the case record and is therefore protected by the very strict confidentiality provisions of Michigan's Child Protection Law.

[Name] County Board: [Board • Member • Names]
[ADDRESS] • [CITY], MICHIGAN [Zip Code]
www.michigan.gov • [PhoneNumber]

Please call me at the phone number listed below if you have any questions. The information requested is essential to ensure the safety of children. Your anticipated assistance in this case is appreciated. Should you or your agency determine the requested information is not pertinent to this CPS investigation, please indicate what information you deem not pertinent and specify, in detail, your reason for that conclusion in writing.

Sincerely,

_____	Phone: _____
Worker Name	
_____	Fax: _____
Worker Signature	
Date: _____	

Department of Human Services (DHS) will not discriminate against any individual or group because of race, religion, age, national origin, color, height, weight, marital status, sex, sexual orientation, gender identity or expression, political beliefs or disability. If you need help with reading, writing, hearing, etc., under the Americans with Disabilities Act, you are invited to make your needs known to a DHS office in your area.

Michigan Public Health Code, 1978 PA 368, MCL 333.2640 and 333.16281

MCL 333.2640

- (2) Notwithstanding section 2637, if there is a compelling need for medical records or information to determine whether child abuse or neglect has occurred or to take action to protect a child where there may be a substantial risk of harm, the department shall give access to a family independence agency caseworker or administrator directly involved in the investigation to the child's medical records and information that are pertinent to the child abuse or neglect investigation. Medical records or information disclosed under this section shall include the identity of the individual to whom the record or information pertains.
- (3) The department shall provide the access described by subsection (2) only upon receipt of a written request from a caseworker or administrator directly involved in the investigation and shall provide that access within 14 calendar days after the record holder receives the written request. The department shall provide that access regardless of the consent of the person from whom consent would otherwise be required.
- (4) To the extent not protected by the immunity conferred by 1964 PA 170, MCL 691.1401 to 691.1415, an individual who in good faith provides access to medical records or information under subsection (2) is immune from civil or administrative liability arising from that conduct, unless the conduct was gross negligence or willful and wanton misconduct.
- (5) This section does not apply to a report, record, datum, or information whose confidentiality and disclosure are governed by section 5131.

MCL 333.16281

- (1) If there is a compelling need for records or information to determine whether child abuse or child neglect has occurred or to take action to protect a child where there may be a substantial risk of harm, a family independence agency caseworker or administrator directly involved in the child abuse or neglect investigation shall notify a licensee or registrant that a child abuse or neglect investigation has been initiated regarding a child who has received services from the licensee or registrant and shall request in writing the child's medical records and information that are pertinent to that investigation. Upon receipt of this notification and request, the licensee or registrant shall review all of the child's medical records and information in the licensee's or registrant's possession to determine if there are medical records or information that is pertinent to that investigation. Within 14 days after receipt of a request made under this subsection, the licensee or registrant shall release those pertinent medical records and information to the caseworker or administrator directly involved in the child abuse or neglect investigation.
- (2) The following privileges do not apply to medical records or information released or made available under subsection (1):
 - (a) The physician-patient privilege created in section 2157 of the revised judicature act of 1961, 1961 PA 236, MCL 600.2157, as amended.
 - (b) The dentist-patient privilege created in section 16648, as amended.
 - (c) The licensed professional counselor-client and limited licensed counselor-client privilege created in section 18117, as amended.
 - (d) The psychologist-patient privilege created in section 18237, as amended.
 - (e) Any other health professional-patient privilege created or recognized by law.
- (3) To the extent not protected by the immunity conferred by 1964 PA 170, MCL 691.1401 to 691.1415, an individual who in good faith provides access to medical records or information under this section is immune from civil or administrative liability arising from that conduct, unless the conduct was gross negligence or willful and wanton misconduct.

- (4) This section does not apply to a report, record, datum, or information whose confidentiality and disclosure are governed by section 5131.
- (5) A duty under this act relating to child abuse and neglect does not alter a duty imposed under another statute, including the child protection law, 1975 PA 238, MCL 722.621 to 722.638, regarding the reporting or investigation of child abuse or neglect.

Health Insurance Portability and Accountability Act (HIPAA), 45 CFR 164.512

45 CFR 164.512

Uses and disclosures for which consent, an authorization, or opportunity to agree or object is not required.

A covered entity may use or disclose protected health information without the written consent or authorization of the individual as described in §§ 164.506 and 164.508, respectively, or the opportunity for the individual to agree or object as described in § 164.510, in the situations covered by this section, subject to the applicable requirements of this section. When the covered entity is required by this section to inform the individual of, or when the individual may agree to, a use or disclosure permitted by this section, the covered entity's information and the individual's agreement may be given orally.

- (b) Standard: Uses and disclosures for public health activities. (1) Permitted disclosures. A covered entity may disclose protected health information for the public health activities and purposes described in this paragraph to:
 - (ii) A public health authority or other appropriate government authority authorized by law to receive reports of child abuse or neglect;
- (c) Standard: Disclosures about victims of abuse, neglect or domestic violence. (1) Permitted disclosures. Except for reports of child abuse or neglect permitted by paragraph (b)(1)(ii) of this section, a covered entity may disclose protected health information about an individual whom the covered entity reasonably believes to be a victim of abuse, neglect, or domestic violence to a government authority, including a social service or protective services agency, authorized by law to receive reports of such abuse, neglect, or domestic violence:
 - (i) To the extent the disclosure is required by law and the disclosure complies with and is limited to the relevant requirements of such law;
 - (ii) If the individual agrees to the disclosure; or
 - (iii) To the extent the disclosure is expressly authorized by statute or regulation and:
 - (A) The covered entity, in the exercise of professional judgment, believes the disclosure is necessary to prevent serious harm to the individual or other potential victims; or
 - (B) If the individual is unable to agree because of incapacity, a law enforcement or other public official authorized to receive the report represents that the protected health information for which disclosure is sought is not intended to be used against the individual and that an immediate enforcement activity that depends upon the disclosure would be materially and adversely affected by waiting until the individual is able to agree to the disclosure.